



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Pamela B. Stuart, Esq.  
Attorney & Counselor at Law  
1750 K Street, N.W., Suite 700  
Washington, DC 20006

**JUN - 5 2015**

RE: MUR 6751  
Corry Westbrook for Congress  
and Catherine E. Wenzling,  
as Treasurer

Dear Ms. Stuart:


On August 30, 2013, the Federal Election Commission notified your clients, Corry Westbrook for Congress and Catherine E. Wenzling, in her official capacity as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On May 19, 2015, the Commission found, on the basis of the information in the complaint, and information provided by your clients, that there is no reason to believe Corry Westbrook for Congress and Catherine E. Wenzling in her official capacity as treasurer violated 52 U.S.C. §§ 30103(b)(1), (3), (5) and 30104(b)(1), (4) (formerly 2 U.S.C. §§ 433(b)(1), (3), (5) and 434(b)(1), (4)). Accordingly, the Commission closed its file in this matter on May 19, 2015.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's findings, is enclosed for your information.

**—HIGHER INTELLECT—**

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## General Counsel

  
Jeff S. Jordan

**Enclosure**  
**Factual and Legal Analysis**

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Corry Westbrook for Congress  
and Catherine E. Wenzling as Treasurer

MUR 6751

**I. INTRODUCTION**

This matter was generated by a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations by Corry Westbrook for Congress and Catherine E. Wenzling in her official capacity as treasurer (the "Committee").<sup>1</sup> It was scored as a low-rated matter under the Enforcement Priority System, by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

**II. FACTUAL AND LEGAL ANALYSIS**

**A. Factual Background**

The Complainant alleges that Corry Westbrook filed a false Statement of Organization (FEC Form 1), by including a Florida address that was not her legal residence. Compl. at 1-2. Specifically, the Complaint claims that Westbrook is not a resident of Florida, but rather resides in Washington, D.C., and that Westbrook used the Florida address of a "leased office space" at 1127 21st Street, Vero Beach, Florida, on the Committee's Statement of Organization. *Id.* at 2. The Complaint further alleges that the Committee's treasurer, Catherine E. Wenzling, signed the Statement of Organization with knowledge of Westbrook's "false[ ] claim[ ] to be a Florida resident." *Id.* According to the Complaint, another "fraudulent address" Westbrook uses is her parents' residence at 1955 3rd Street, Vero Beach, Florida. *Id.* A Supplement to the Complaint

<sup>1</sup> Corry Westbrook for Congress is the principal campaign committee of Corry Westbrook, an unsuccessful 2014 candidate for Florida's 8th congressional district.

1 further alleges that Westbrook failed to timely file a Statement of Organization (Form 1) or  
2 Statement of Candidacy (Form 2), because Westbrook was allegedly raising funds and  
3 purportedly leasing office space prior to filing with the Federal Election Commission.<sup>2</sup> Supp.  
4 Compl. at 1.

5 The Complaint also alleges that Westbrook used campaign donations to purchase airline  
6 tickets to travel between Washington, D.C., and Florida “for regular meetings with her parents  
7 who are her campaign managers.” Compl. at 4. According to the Complaint, Westbrook spent  
8 “[s]everal thousand dollars . . . in this manner,” and these disbursements have not been disclosed  
9 on the Committee’s disclosure reports.<sup>3</sup> *Id.* The Complaint additionally alleges that the  
10 Committee failed to accurately report a fundraising event that was identified on disclosure  
11 reports as having occurred at Westbrook’s Washington, D.C. residence. *Id.*

12 In its Response, the Committee notes that both the Committee and Westbrook have  
13 addresses in Florida. Resp. at 1-2. Attached to its Response, the Committee submitted a copy of  
14 its Statement of Organization, and on that form, the Committee reported its address as 1127 21st  
15 Street, Vero Beach, Florida.<sup>4</sup> Resp., Ex. 3, at 1. In its 2013 July Quarterly Report, the Committee  
16 reported disbursements that included rent and electric for “1127 21st St.” Resp., Ex. 5, at 6, 7,

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<sup>2</sup> The Complainant offers that in reaching out to “Lambert Commercial leasing” the Commission can learn “how [Westbrook] obtained the funds for the office when she was not yet an official candidate.”

<sup>3</sup> The Committee’s disclosure reports filed with the Commission do not include any disbursements for air travel from Washington, D.C. to Florida. See Resp., Ex. 5, at 86-96. See also Corry Westbrook for Congress, 2013 October Quarterly Report (filed Oct. 13, 2013), available at <http://docquery.fec.gov/pdf/837/13941768837/13941768837.pdf>.

<sup>4</sup> The Committee’s initial Statement of Organization and Statement of Candidacy filed with the FEC were received April 1, 2013, and listed the address of 1127 21st Street, Vero Beach, Florida, 32960. In the Committee’s first financial report to the Commission, it reported an April 10, 2013, disbursement to “Maxwell Rental Properties” in the amount of \$2,100, noting the Purpose of Disbursement as “rent 1127 21st St.” Additional expenditures to “Maxwell Rental Properties” were also reported as being disbursed on May 1, 2013, and June 1, 2013, in the amount of \$750 each. See Corry Westbrook for Congress, 2013 July Quarterly Report at 91-92 (filed July 11, 2013), available at <http://docquery.fec.gov/pdf/367/13941016367/13941016367.pdf>.

10.<sup>5</sup> The Committee also reported on its Statement of Organization an additional mailing address for Westbrook to be 1955 3rd Street, Vero Beach, Florida. Resp., Ex. 3, at 3, 4. The Response states that Westbrook is a “resident and domiciliary of Florida and a resident of the District of Columbia” and used her Florida address for the purposes of filing FEC disclosure reports. Resp. at 3.<sup>6</sup> In the affidavit, Westbrook explains that her parents own the house located at 1955 3rd Street in Vero Beach, where she rents a room when she is in Florida. Resp. Ex. 6, at 1.

The Committee’s Response and Westbrook’s affidavit explain that Westbrook pays for the travel between her residence in Washington, D.C., and the 8th Congressional District of Florida from her personal funds. Resp. at 4; Resp., Ex. 6, at 3. The Response states that this travel is frequently for campaign purposes. Resp. at 4.

## **B. Legal Analysis**

### **1. Statement of Organization and Statement of Candidacy**

Under the Act, a principal campaign committee must file a Statement of Organization with the Commission (FEC Form 1) that includes among other things: “the name, address, and type of committee”; “the name, address, and position of the custodian of books and accounts of the committee”; and “if the committee is authorized by a candidate, the name, address, office sought, and party affiliation of the candidate . . . .” 52 U.S.C. § 30103(b)(1), (3), (5) (formerly 2 U.S.C. § 433(b)(1), (3), (5)); 11 C.F.R. § 102.2(a)(1)(i), (iii), (v).

On its Statement of Organization, the Committee reported its address to be 1127 21st Street, Vero Beach, Florida, and the address of Westbrook in her capacity as custodian of records

<sup>5</sup> The 2013 July Quarterly was the Committee’s most recent disclosure report filed with the Commission at the time the Complaint was filed on August 23, 2013. See Corry Westbrook for Congress, 2013 July Quarterly Report at 54-74 (filed July 11, 2013), available at <http://docquery.fec.gov/pdf/367/13941016367/13941016367.pdf>.

<sup>6</sup> The Committee’s Response also included an affidavit from Westbrook asserting that she is a “dual resident of both Vero Beach, Florida and Washington, D.C.” Resp., Ex. 6, at 1.

1 and designated agent to be 1955 3rd Street, Vero Beach, Florida. Resp., Ex. 3, at 1, 3, 4. In its  
2 Response, the Committee asserts that the Committee's and candidate's addresses are each valid  
3 mailing addresses. In support of this argument, the Committee provided copies of its disclosure  
4 reports reflecting that the Committee pays rent for the 1127 21st Street property and an affidavit  
5 from Westbrook affirming that she pays rent for a room in a house owned by her parents at 1955  
6 3rd Street. Resp., Ex. 5, at 6, 7, 10; Resp., Ex. 6, at 1. The available information indicates that  
7 these appear to have been valid addresses used by the Committee and Westbrook. Therefore, the  
8 Commission found no reason to believe that the Committee violated 52 U.S.C. § 30103(b)(1),  
9 (3), (5) (formerly 2 U.S.C. § 433(b)(1), (3), (5)) with respect to reporting Westbrook's and the  
10 Committee's addresses on its FEC Form 1.<sup>7</sup>

11 Commission regulations do not prohibit a candidate from receiving funds subject to the  
12 Act's limits that will be used once a committee is formed, as long as those funds are properly and  
13 timely reported on the committee's first disclosure report once it has attained political committee  
14 status. See 11 C.F.R. § 104.3(a) ("The first report filed by a political committee shall also  
15 include all amounts received prior to becoming a political committee . . ."). Under the Act and  
16 Commission regulations, an individual's principal campaign committee becomes a political  
17 committee when that individual becomes a candidate upon receiving contributions or making  
18 expenditures in excess of \$5,000. See 52 U.S.C. § 30101(5) (formerly 2 U.S.C. § 431(5)); 11  
19 C.F.R. § 100.5(d); see also 52 U.S.C. § 30101(2) (formerly 2 U.S.C. § 431(2)); 11 C.F.R.

<sup>7</sup> FEC Form 1, and line-by-line instructions the Commission has released for completing the form, explain that the Act's reference to "address" is in the context of a mailing address. *FEC Form 1*, FEDERAL ELECTION COMMISSION (2009) 1-4 <http://www.fec.gov/pdf/forms/fecfrm1.pdf>; see also *Instructions for Statement of Organization (FEC Form 1)*, FEDERAL ELECTION COMMISSION (2009) <http://www.fec.gov/pdf/forms/fecfrm1i.pdf#search=instructions%20for%20statement%20of%20organization>.

1 § 100.3(a). The Act provides that political committees are required to report cash on hand at the  
2 beginning of each reporting period, and Commission regulations clarify that a political  
3 committee's first report must disclose funds received prior to becoming a political committee.  
4 52 U.S.C. § 30104(b)(1) (formerly 2 U.S.C. § 434(b)(1)); *see* 11 C.F.R. § 104.3(a).

5 Here, the Complainant claims that Westbrook "obtained . . . funds" and leased office  
6 space prior to becoming a candidate. *See* Compl. Supp. at 1. The Committee's disclosure  
7 reports indicate that Westbrook received \$5,000 in contributions as of April 16, 2013.<sup>8</sup> *See* July  
8 2013 Quarterly Report (filed July 11, 2013). Therefore, under 2 U.S.C. § 431(2), Westbrook  
9 crossed the \$5,000 threshold and became a candidate on that date. However, Westbrook  
10 voluntarily filed her Statement of Candidacy and Statement of Organization on March 29, 2013  
11 prior to crossing the statutory threshold. *See* Statement of Candidacy (filed Mar. 29, 2013);  
12 Statement of Organization (filed Mar. 29, 2013). Therefore, the Commission found no reason to  
13 believe that Corry Westbrook for Congress and Catherine E. Wenzling in her official capacity as  
14 treasurer violated the Act or Commission regulations in filing her Statement of Candidacy and  
15 Statement of Organization.

## 16 2. Travel

17 The Act requires each treasurer of a political committee to file reports of receipts and  
18 disbursements with the Commission. 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)); *see*  
19 *also* 11 C.F.R. § 104.1. The Act further requires disclosure reports to include the total amount of  
20 all disbursements in itemized categories. 52 U.S.C. § 30104(b)(4) (formerly 2 U.S.C.  
21 § 434(b)(4)); *see also* 11 C.F.R. § 104.3(b). A candidate must report travel expenses paid for by

<sup>8</sup> The Committee's disclosure reports also indicate that Westbrook made \$2,100 disbursement to "Maxwell Rental Properties" to rent "1127 21st Street" on April 10, 2013. *See* July 2013 Quarterly Report (filed July 11, 2013). This disbursement alone, albeit made after Westbrook filed her Statement of Candidacy and Statement of Organization, did not trigger the candidacy threshold.

1 a candidate from personal funds if the travel is campaign related. 11 C.F.R. § 106.3(b)(1).  
2 However, a candidate for Congress is not required to report the use of personal funds to pay for  
3 travel between Washington, D.C. and the state in which he or she is a candidate. 11 C.F.R.  
4 § 106.3(d). Here, as the Complaint alleges, no funds were reported on disclosure reports to  
5 indicate that the Committee paid for travel between Washington, D.C. and Florida; the  
6 Committee's Response and Westbrook's affidavit both assert that Westbrook paid for this travel  
7 using the candidate's personal funds. Resp. at 4; Resp., Ex. 6, at 3; *see also* Resp. Ex. 5. Thus,  
8 because Westbrook appears to have used personal funds to pay for the travel between  
9 Washington, D.C., and Florida, the state in which she is a candidate, the Commission found no  
10 reason to believe that the Committee violated 52 U.S.C. § 30104(b)(4) (formerly 2 U.S.C.  
11 § 434(b)(4)) with respect to the use of unreported travel between Washington, D.C., and Florida.

12 **3. D.C. Fundraiser**

13 Additionally, the Complaint alleges that the Committee violated the Act's reporting  
14 requirements with respect to the alleged fundraising event at Westbrook's address in  
15 Washington, D.C. *See* Compl. at 3. The Complainant appears, however, to be mistaken as to  
16 where the event occurred.

17 The Committee appears to have disclosed a disbursement associated with this event. The  
18 Committee's disclosure reports identify a disbursement to Eric Czander of 2011 Klinge Road  
19 for an "event at Klinge Rd." Resp., Ex. 5, at 2. The Response, supported by Westbrook's  
20 affidavit, states that the candidate's Washington, D.C. address is \_\_\_\_\_ and  
21 explains that the event was not held at Westbrook's residence as alleged in the Complaint, but  
22 instead was held at the home of Fred Dever and Eric Czander, her neighbors. Resp. at 2, Ex. 6, at  
23 3. As support for its assertion, the Response attaches a flyer for the event that advertises it to be



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